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ABSTRACT

This teacher's guide is designed to accompany the two-part videotape "One Nation Under God? School Prayer and the First Amendment." The videotape and teacher's guide should help students to: (1) understand the history of freedom of religion and the First Amendment; (2) examine the controversy surrounding school prayer; (3) compare and contrast the many perspectives and viewpoints Americans have on school prayer, moment of silence requirements, the First Amendment, freedom of religion, and the Establishment Clause; and (4) develop informed opinions about the issue and discuss the future of school prayer. The guide contains four activities that employ student handouts. The activities provide a variety of educational experiences for students, including: class discussions, small-group work, research, and writing. The active learning approach encourages students to go beyond recognition or knowledge of facts to begin analyzing, synthesizing, and evaluating the issues and concepts being studied. (LH)

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One Nation Under God?

School Prayer and the First Amendment

Teacher's Guide

SO 026 399

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One Nation Under God?

School Prayer and the First Amendment

Teacher's Guide

Developed by Charles R. Sass

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To the Teacher

The very first right mentioned in the First Amendment is freedom of religion, indicating its importance to the American people. What Americans believe most strongly, their religious faith, is also what they will disagree about most strongly with their neighbors. Perhaps the most controversial issue regarding freedom of religion is prayer in public schools.

Any discussion of school prayer stirs up strong debate. Many Americans hold that government-sponsored prayer in a public school clearly violates the Establishment Clause of the First Amendment. The Supreme Court has agreed. The Court has prohibited the use of a nondenominational prayer to open the school day, struck down a state law requiring the school day to begin with Bible readings and the Lord's Prayer, and declared unconstitutional a state law that set aside a "moment of silence" in public schools for "meditation or voluntary prayer." However, the Court has never banned prayer in public schools if it is done voluntarily by individual students. Nor has the Supreme Court forbidden the study of religion or the Bible, as long as such study is done in a secular, or nonreligious, manner.

Many Americans think that school prayers and Bible readings belong in school. In a December 1994 *Washington Post* poll, 64 percent of those polled said there should be a moment for voluntary silent prayer or meditation daily. The issue clearly elicits strong feelings. Does the First Amendment leave room for government-sponsored school prayer? Is the Supreme Court wrong in its decisions? Is prayer something better left to home and church? Close Up has developed this videotape to examine those issues.

About the Video

One Nation Under God? School Prayer and the First Amendment is a two-part, twenty-five-minute videotape that examines the issue of school prayer by hearing from people on both sides of the issue.

Part I of the video tells the story of Ishmael Jaffree, an Alabama father who objected to his son's school's practice of saying grace before lunch. Jaffree filed a lawsuit against the Mobile, Alabama, public schools asking them to stop. Viewers will hear from Ishmael Jaffree, his son Chioke, and religious and political leaders who were opposed to what Jaffree was doing.

Part II of the video examines the questions surrounding school prayer and moment of silence laws from a constitutional standpoint. Legal experts, elected officials, and ministers give their opinions why they think the Supreme Court's decision in the case of *Wallace v. Jaffree* was right or wrong.

About the Teacher's Guide

This guide is designed to help your students understand the controversial issue of public school prayer. The guide has four activities, each of which can be used at different points in the lesson. Activity 1 should be conducted before students see *One Nation Under God?* to provide them with an understanding of the freedom of religion aspect of the First Amendment—including the Establishment Clause. Activity 2 will help students understand the issue while they are watching the video. Postviewing Activities 3 and 4 will further your students' understanding of school prayer, freedom of religion, and minority rights in a society where the majority usually makes the rules. The activities are as follows:

Activity 1: History of Freedom of Religion

Activity 2: Viewing the Video

Activity 3: Understanding Arguments

Activity 4: Wrapping Up

These activities employ student handouts, which you can photocopy. The guide also provides you with additional suggestions for activities to enrich the lesson and help make this a successful and rewarding learning experience. You can use the teaching strategies and activities in the guide in a variety of ways. Feel free to develop or adapt the activities to suit your teaching style, the needs of your students, and the amount of time you have to cover each topic.

Goals

This videotape and teacher's guide should help students to:

1. understand the history of freedom of religion and the First Amendment.
2. examine the controversy surrounding school prayer.
3. compare and contrast the many perspectives and viewpoints Americans have on school prayer, moment of silence requirements, the First Amendment, freedom of religion, and the Establishment Clause.
4. develop informed opinions about the issue and discuss the future of school prayer.

Student Activities

The activities are designed to provide a variety of educational experiences for your students. Rather than following a traditional lecture format, the activities involve class discussions, small-group work, research, and writing. This active learning approach encourages students to go beyond mere recognition or knowledge of the facts to begin analyzing, synthesizing, and evaluating the issues and concepts being studied.

Tips on Leading Effective Class Discussions

The activities in this guide involve some class discussion. Following these procedures will increase the effectiveness of your discussions.

- Structure class discussions to involve the entire class; avoid creating a dialogue between the teacher and a few students. Make a special point of encouraging students to speak directly to one another rather than to you.

- Sequence your questions from simple factual recall to more complex analysis. Questions that ask students to list or identify are useful because they promote class participation and allow students to answer questions correctly. But such questions do not provoke analysis. A factual recall question such as, "Who proposed the Bill of Rights to the first Congress?" should progress to a more thought-provoking question like, "Why was the Bill of Rights added to the Constitution?"

- Incorporate "wait time" into your discussion periods. You should wait for all students to respond to a question; if students cannot respond successfully, rephrase the question and try again.

Activity 1
History of Freedom of Religion

Objectives

After completing this activity, students will be able to:

1. trace the history of freedom of religion in the United States.
2. identify both sides of the school prayer issue.
3. discuss court decisions about various school prayer issues.

Procedures

1. Introduce the lesson on school prayer and the video *One Nation Under God?* by writing the freedom of religion part of the First Amendment on the board:

   > *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . .*

   Have students brainstorm freedom of religion. Write their responses on the board. What do they think the phrase means literally? Now ask them what it means to them personally. Do they consider themselves religious? Do they come from religious families? Can any of them recall a time when they heard a prayer in school? Do they see any evidence of religion in their school? Why do they think there is controversy about prayer in public schools?

   Tell class members that they are about to begin a lesson on school prayer and freedom of religion. They are going to learn about the history of the First Amendment and freedom of religion and the reasons why school prayer has come to be a controversial subject in many parts of the United States. Explain that the issue of school prayer can bring out strong emotions in people and that students should remember the need to respect the opinions of others. It is difficult to reach a consensus among Americans about prayer in public schools, and the same may be true for your classroom.

2. Next, distribute **Student Handout 1—History of Freedom of Religion and School Prayer.** Have students read the handout. After the class has finished reading, ask them to work with a partner for ten to fifteen minutes to answer the questions at the end of the handout. Then, lead a class discussion about their responses.

3. Conclude this activity by telling students that they are going to watch a video about school prayer. They should keep in mind the information they learned in this activity as they watch the video.

Additional Suggestions

1. The Establishment Clause of the First Amendment restricts the relationship between the government and the church by forbidding the government from creating, or establishing, an official church. It also forbids the government from supporting one religion over another, or religion over nonreligion. Ask students to write a one- to two-page essay on what they think "separation of church and state" means. Give students twenty-five minutes to complete this activity. After everyone has finished, ask for volunteers to read their essays aloud in class.

2. Ask students to research and report to the class their findings about the following historical people and events:

   - George Calvert (Lord Baltimore) and the Maryland colony
   - William Penn and the Pennsylvania colony
   - Roger Williams, Anne Hutchinson, and the Rhode Island colony
   - Thomas Jefferson and the Virginia Statute of Religious Liberty
   - The Touro Synagogue and the Hebrew congregation at Newport, Rhode Island
   - Thomas Jefferson's letter to the Baptists of Danbury, Connecticut
   - James Madison and the First Amendment

3. Americans on both sides of the school prayer issue have created organizations to inform citizens of where they stand and why. They make available publications and pamphlets that focus on their mission. Have interested students gather such information and share it with the class. Write the following addresses and telephone numbers on the board to help them obtain information:

   Americans United for Separation of Church and State
   1816 Jefferson Place, N.W.
   Washington, DC 20036-7123
   202-466-3234

   American Center for Law and Justice
   P.O. Box 64429
   Virginia Beach, VA 23467
   804-579-2489

   After students gather information, lead a discussion about the way the material was presented by each organization. How did the groups highlight information that represents their point of view? Discuss why groups such as these present information that supports their beliefs.

Activity 2
Viewing the Video

Objectives

After completing this activity, students will be able to:

1. recognize differing perceptions and points of view.
2. discuss different sides of an issue.
3. understand that school prayer evokes strong emotions from people on both sides of the issue.

Procedures

1. Before showing the video, distribute **Student Handout 2—School Prayer: Agree or Disagree?** Tell your students that the quotes on this handout have been taken from the videotape and are representative of the views expressed. Give students five to ten minutes to complete the handout. After they have finished, review their responses in a class discussion. Encourage students who have opposing opinions to explain their positions. After discussing each quote, average the ratings for each item to get an idea of where the class stands. Write the averages on the board. Urge them to listen for the quotes while they are watching.

   Note to teacher: During the course of the lesson you may want to tell your class the names of the speakers of the quotes on the handout. They are: (1 and 2) Ishmael Jaffree; (3) Fred Wolfe; (4) Dan Alexander; (5) Fob James Jr.; (6) caller on a talk-radio show; (7) Ronald Reagan; (8) Jerry Falwell; (9) Jean Baker.

2. Next, distribute **Student Handout 3—Varying Viewpoints.** Make sure students are clear about what they are supposed to do with the handout. Tell them that after they view the tape, they will discuss their impressions of the video and the viewpoints of each speaker. (You might want to stop the video as each of the speakers first appears, so students know who is who.) Show Part I.

   After showing Part I, stop the video to give students time to gather their thoughts and write them on the handout if necessary. At that time, spend a few minutes reading the opening paragraphs on **Student Handout 3** concerning the Establishment Clause and the Free Exercise Clause. Emphasize that the two clauses can sometimes lead to conflict—as in the case of *Wallace v. Jaffree*. Remind them that Part II of the video features two legal experts—Barry Lynn and Jay Sekulow—who have contrasting views about the establishment of religion and the free exercise of religion and how they apply to this case. Show Part II.

3. After viewing the video, allow students a few minutes to complete the handout. Remind them that these handouts will be used only for discussion and will not be handed in. Then, discuss what class members have written on their handouts. What were the viewpoints of these seven people? Which of them were basically on the same side? What were students' impressions of each of the speakers? It might be helpful to show Part II of the video again—especially the exchange between Lynn and Sekulow—and then discuss the experts' conflicting legal views on the Court's interpretation of school prayer and moment of silence laws.

Additional Suggestion

One way of teaching students to appreciate the freedoms and rights provided by the Constitution is to have them research and compare religious freedom in other countries with that in the United States. Point out to them that in some countries, government and religion are closely tied.

For example, the governments of countries like Iran and Sudan function under the laws of Islam and the teachings of the Koran. In some countries, blasphemy is a crime punishable by death—as it once was in the Christian world. In Pakistan, a death sentence is mandatory for anyone who "defiles the sacred name of the Holy Prophet Muhammad." In Iran, the Ayatollah Khomeini issued a death sentence for British author Salman Rushdie for writing *The Satanic Verses*. Khomeini said that Rushdie's book profaned Islam. Rushdie is still in hiding to protect himself from the death threat.

Assign individuals or groups of students to study particular countries and have them report back to class. They should research religious freedom and the ties between religion and government in countries like Iran, Pakistan, Sudan, Israel, China, Great Britain, Algeria, Cuba, and others that you or they might find interesting. Perhaps any immigrant students in your classroom might like to tell about the relationship between religion and government in the country of their birth.

Activity 3
Understanding Arguments

Objectives

After completing this activity, students will be able to:

1. recognize differing perceptions and points of view.
2. compare and contrast the opinions of the Supreme Court in the case of *Wallace v. Jaffree*.
3. debate school prayer issues from the positions of accommodationists and separationists.

Procedures

1. Begin this activity by brainstorming the word "argument." What comes to students' minds when they think about this word? Write their responses on the board. Are responses generally positive or negative? Point out to students that under our democratic system, people can express differences of opinion and try to convince others that their position is correct.

   Ask your class to mention topics about which Americans disagree. Students will likely bring up abortion, homosexuals in the military, flag burning, taxes, gun control, school prayer, and others. Emphasize that argument and dissent are traditions in the United States and that lively discussion often results in political action. Students should come away from this discussion with a better appreciation for differences of opinion in a free society.

2. Next, distribute copies of **Student Handout 4—Case Study: *Wallace v. Jaffree* (1985).** Both the majority opinion and a dissenting opinion in that Supreme Court case are represented on the handout. Give students adequate time to read the handout in or outside class. Or, you may want students to take turns reading aloud.

   Then have class members, either working individually or in pairs, answer the questions at the bottom of the handout. When all have finished, proceed through each question. With which opinion do students most agree? Why? Point out that even justices of the Supreme Court do not always agree on the constitutionality of school prayer.

3. Remind students that most school prayer arguments are between accommodationists and separationists. Separationists believe that the Constitution requires strict separation between church and state, because they think that is the best way to protect religious freedom. Accommodationists argue that government must make allowances for the role of religion in society in order not to be hostile toward religion. Next, select debating teams to debate the following statements.

   - Public schools should set aside a moment of silence each day for meditation or voluntary prayer.

   - It is not the business of government to compose official prayers for any group of American people to recite as part of a religious program carried on by government.

- Because the most important part of education is learning basic moral values, religion should be part of all school curricula—public and private.

- Student-led prayers over the school intercom and at graduation ceremonies violate the Establishment Clause, because the school is showing preference for religious speech.

Organize debates in any way that works well for your situation. You may want to form small teams of students to debate each side of the issue, or you may want individuals to debate one another. Assign either the affirmative or negative position to the teams or individuals and give them time to prepare.

When debaters are ready, assign a moderator to keep the debate organized and moving. One student should serve as timekeeper for all speakers. The affirmative side goes first, followed by the negative. After both sides have presented their cases for five to ten minutes, each will have two minutes for rebuttal.

You may want to appoint a panel of judges for each debate, or allow the whole class to judge the "winner." After each debate, ask the class which side they thought was most persuasive and why. Discuss the strongest arguments made by each side.

Were students swayed by emotional appeals or by arguments based on fact? Did the arguments change anyone's attitude or behavior regarding the issues? Do students now understand why conflicts often arise over the Establishment Clause? Point out that while the Supreme Court has already made decisions concerning these issues, Americans continue to express conflicting opinions about them.

Additional Suggestion

Issues surrounding school prayer are controversial. A valuable learning experience for your class would be to hear firsthand arguments from experts on both sides of an issue—similar to what they saw on the video. Invite guest speakers to "face off" on school prayer issues. Perhaps your school has had to deal with issues like moment of silence requirements or prayer at graduation. Choose representatives who you think might be of interest to your class. Call or write to arrange the visits. Make sure you choose speakers with opposing views.

After speakers have been scheduled, tell students to submit questions and comments to you. If possible, share these questions with the guests a week or so before the scheduled presentations. Using these questions, guests should focus the discussion on a few specific issues and should allow time for follow-up questions from the floor. Have the class select three or four students to organize all questions and serve as spokespersons. All students should prepare by reading and researching specific issues relating to the First Amendment, freedom of religion, and school prayer.

On the day the speakers arrive, have several students greet them, one or two others introduce them to the class, and others write thank-you notes after the session has been completed. After the discussion, ask students to evaluate the speakers. How knowledgeable were they? What did students learn that they did not know before? Did any authors change their position on an issue because of what the speakers said?

Activity 4
Wrapping Up

Objectives

After completing this activity, students will be able to:

1. discuss the implications of the Supreme Court's decision in *Wallace v. Jaffree.*
2. analyze the concept of majority rule, minority rights.

Procedures

1. After students have seen the video and discussed the arguments made by people on both sides of the issue, ask for their impressions. Do they agree with the Supreme Court's decision in *Wallace v. Jaffree?* Do they understand the concern of Ishmael Jaffree for his son? Can they see the reasoning of the two sides in the school prayer issue? Do they think the majority of the American people agree with the Court's decision?

   Point out that in a December 1994 national poll taken by the *Washington Post,* 59 percent disagreed with the Supreme Court's ruling that no state or local government may require the reading of the Lord's Prayer or Bible verses in public schools. Thirty-five percent agreed. (Some 6 percent were undecided.) Sixty-four percent of those polled said that there should be a moment for voluntary silent prayer or meditation daily.

   What conclusions can students draw from those statistics? Do the majority of the American people think there should be prayer in public schools? What may these statistics and the Court's decision imply for future legislation from either the national government or state governments?

2. Next, distribute copies of **Student Handout 5—Majority Rule, Minority Rights.** Give students time to read the handout. Meanwhile, write the following quote on the board:

   > *We are a nation founded under one God, and the majority of us believe in it. If there are a few people that do not, the majority has always ruled in this country.*

   Ask students if they remember who said this. (It was spoken in the video by Dan Alexander, the president of the Mobile County School Board.) Do they agree with Alexander? Would Dan Alexander have agreed with the information on **Student Handout 5?**

3. Now that students are more familiar with minority rights in a democracy established by a majority, divide them into pairs. Ask one student to assume the role of Dan Alexander and to write a letter to James Madison expressing his reaction to Madison's quote on **Student Handout 5.** Conversely, the other student should play the role of James Madison and write a letter to Dan Alexander expressing his reaction to Alexander's quote. When all have finished, ask several pairs of students to read their respective letters to one another.

Additional Suggestions

1. Ishmael Jaffree's case against the school system of Mobile was based on his son Chioke's experience in kindergarten. Chioke is now a young adult, near the age of many of your students. Now that the class has seen the video and knows about his story, ask your students to put themselves in Chioke's shoes. Either in oral discussion or in a written assignment, pose the following what-if questions and ask students what they would have done:

   - What if Chioke had wanted—on his own—to say a blessing from a non-Christian sacred book such as the Koran or the Talmud before eating his lunch and his teacher did not allow it?

   - What if Chioke's teacher had told him to be silent rather then allowing him to say aloud an Islamic prayer, and then led the class in a Christian prayer herself?

   - What if Chioke's teacher had been fired because of her actions in leading the class in prayer?

   - What if your school or teacher did something that you thought infringed upon your constitutional rights?

   Conclude this activity by talking about Chioke's actions. Would students have done what he—or his father—did? What would drive them to take the stand that his father did? Point out that it is not always easy to stand up for what you believe is right. Sometimes it is not popular to do so.

2. Two incidents are mentioned near the end of the video:

   - In November 1993, Bishop Knox, a principal at a Jackson, Mississippi, high school, was suspended for allowing student-led prayer over the school's public address system.

   - In September 1994, Brian Bown, a teacher in Gwinnett County, Georgia, was suspended for refusing to allow a state-mandated moment of silence during his homeroom class.

   Another case—not mentioned in the video—has also made news:

   - In January 1995, Lisa Herdahl, a mother of six, filed suit against the Pontotoc, Mississippi, public schools for violating what she says is the constitutional separation of church and state. Herdahl objected to the prayers being read over the intercom in her childrens' public school each morning.

   Have your students, either working individually or in groups, research those cases or any other similar incidents in which there have been conflicts with public school officials over school prayer. Urge them to gather newspaper or magazine clippings to pin on the bulletin board and prepare a report that tells the story in more detail—and its outcome. They should be especially alert for any court decisions regarding these cases.

3. The issue of prayer in public schools comes up frequently in Congress. Some members are opposed to any attempts by Congress to allow prayer in public schools. Others believe that the prayer issue can be addressed by passing legislation—but not a constitutional amendment—that would provide for a moment of silence or voluntary school prayer. And

finally, other members of the House and Senate think that the Constitution needs an amendment that would permit student-led prayer in public school classrooms. As is the case in Congress, differences of opinion may very well exist in your classroom.

Introduce this activity by giving students some brief background information about amending the Constitution. If possible, have each student look at a copy of the Constitution—especially Article V, which addresses the amending process. Point out that amending the Constitution is difficult and has not been done very often (only twenty-seven times in slightly more than 200 years). Two-hundred-ninety representatives and sixty-seven senators must approve an amendment resolution before it goes to the states for ratification. Then, thirty-eight state legislatures or state constitutional conventions must ratify the amendment before it becomes part of the Constitution. It should be clear to your students that not only is the process difficult, but that Americans have been reluctant to amend their Constitution.

Next, hand out copies of **Student Handout 6—Amending the Constitution.** Give them time to read the proposed amendment, or perhaps you would like to have several students read it aloud. Then, have them write answers to the questions at the bottom of the handout. When all students have finished, go through the questions. Make sure everyone understands what this amendment says and what it would do if it became part of the Constitution. Have students on opposite sides of the issue take turns reading their answers to question six. Pose a number of questions in this discussion: Who would write the prayer being used in school? Who would speak the prayer? Should students of differing faiths participate if they do not agree with what is being said? Should the majority rule when it comes to writing and speaking the prayer? Ask your students how they would address such potential problems.

To extend this activity, it might be interesting to have individuals or groups write their own school prayer amendment proposals. Encourage opponents of the amendment printed on the handout to draw up a proposal that they think would keep present laws in force.

Finally, ask students to look for news about school prayer proposals as they come before Congress. They should clip newspaper and magazine articles and pin them to the bulletin board. Have class members contact their representatives and senators to find out where they stand on this issue. Students should write to their members at the following addresses:

The Honorable _____
U.S. House of Representatives
Washington, DC 20515

The Honorable _____
U.S. Senate
Washington, DC 20510

Student Handout 1

History of Freedom of Religion and School Prayer

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . .

The very first right mentioned in the First Amendment is freedom of religion, indicating its importance to the American people. Because many Americans believe strongly in their religion, those beliefs can also lead to strong disagreements.

The First Amendment protects religious freedom in two ways: the Establishment Clause and the Free Exercise Clause. The Establishment Clause forbids the government from establishing an official church, formally supporting religious activities, or giving preference to religion over nonreligion. But under the Free Exercise Clause, the government also cannot interfere with the expression of religious beliefs. Sometimes these two rights conflict.

Religious Practices in Colonial America. Many American colonists left England because they objected to England's established church, the Church of England. But when they got to America, many of these colonists established churches of their own. In most cases church and state were not separate in colonial America. Taxes supported the established church, some colonists could not vote unless they belonged to a church, and some were required to go to church on Sunday.

In early America, people were badly mistreated if they did not share the religious beliefs of the established majority. The Puritans of New England were known to have burned an "H" (for "heresy") on the faces of Quakers. Other Quakers were mutilated by having their noses slit open, ears cut off, or faces scarred. In some colonies where the Church of England was the established church, sheriffs and armed planters forcibly broke up Baptist services and horsewhipped their preachers.

However, four of the thirteen colonies did not have established churches, and several others tolerated other religions. One of the great colonial advocates of religious freedom was Roger Williams, a Puritan minister who was expelled from Massachusetts in 1635 for his idea that government had no right to enforce religious laws. Williams founded the colony of Rhode Island to guarantee religious liberty for all creeds.

Religion in Revolutionary America. By the time of the American Revolution, the idea of religious freedom was gaining momentum. However, some states still jailed people who denied the doctrine of the Trinity or the divinity of the Bible. Thomas Jefferson of Virginia opposed such practices. Jefferson thought that government should only penalize actions that harmed other people, not punish beliefs. Jefferson helped lead the struggle for freedom of religion. His Statute of Religious Liberty guaranteed religious freedom in Virginia. The statute states that "whereas Almighty God hath created the mind free," no person would be required to attend or support any religious services. Furthermore, the law held that Virginians could no longer be denied the right to vote and participate in government because of their religious beliefs.

Religion and the Constitution. Religious freedom was one of the few individual liberties protected in the text of the original Constitution written in 1787. Article VI of the Constitution states that "no religious test shall ever be required as a qualification to any office or public trust under the United States." But there were many Americans who believed that the orginal Constitution did not provide enough protection for religious liberty. Therefore, James Madison included the Establishment Clause and the Free Exercise Clause when he proposed the Bill of Rights in Congress in 1789.

The Establishment Clause restricts the relationship between the government and the church. Through this clause, the First Amendment creates a nation in which all people belong, regardless of their religion. Participation in American government is not limited to those who have certain religious beliefs. Most Americans agree that the United States should not have an official religion and that people should not be beaten for their beliefs. Beyond that, however, Americans disagree vehemently about the proper relationship between government and religion. Courts have had to address those disagreements.

In the case of *Everson v. Board of Education* (1947), the U.S. Supreme Court ruled that the government cannot create or establish an official church, nor can it support one religion over another, or religion over nonreligion. "In the words of Jefferson," said the Court, the Establishment Clause "was intended to erect 'a wall of separation between church and state.'" But Americans disagree over how high that wall should be. Some people—called separationists—say that there should be strict separation between church and state. However, others—called accommodationists—believe that government must at times make allowances for the role of religion in society.

Religion and School Prayer. Most cases under the Establishment Clause involve religion and education. Because public schools are agencies of the government, any religious programs in them raise Establishment Clause issues.

Many accommodationists believe that the most important part of education is learning basic moral values, which they argue come from religion. To these Americans, religion should be part of the school curriculum. But separationists maintain that if the government supports religious instruction, it is clearly violating separation of church and state. Separationists ask, who decides what religious beliefs get government endorsement? Thus, a controversial issue involves prayer in public schools.

In the case of *Engle v. Vitale* (1962), the U.S. Supreme Court prohibited the use of a nondenominational prayer composed by the New York State Board of Regents to open the school day. In *Abington School District v. Schempp* (1963), the Court struck down a Pennsylvania law requiring the school day to begin with Bible readings and the Lord's Prayer. In both cases, the Supreme Court held that asking students who did not want to participate to remain silent or leave class was also unconstitutional. And in *Wallace v. Jaffree* (1985), the Court declared unconstitutional Alabama's moment of silence law, which set aside a period of silence in public schools for "meditation or voluntary prayer." The Court also ruled that "moment of silence" laws that did not specifically mention prayer would be constitutional. Finally, in 1992, the Supreme Court, in *Lee v. Weisman* ruled that official prayers at public school graduation ceremonies violated the Establishment Clause.

In sum, the Supreme Court's decisions have prohibited school sponsorship of religious exercises. The Court has never banned prayer in public schools if it is done voluntarily by an individual student. Nor has the Court forbidden the study of religion or the Bible as long as such study is done in a secular, or nonreligious, manner.

Accommodationists believe that school prayers and Bible readings are permissible in the public school because students are not forced to participate. Accommodationists say that if students object, they may sit quietly or leave the room. But separationists argue that students should not have to make such a choice, which denies their right to religious liberty and causes them embarrassment in front of their peers. Separationists maintain that the government should not be involved in any religious activity because it inevitably makes someone feel left out because of differing, or lack of, religious beliefs.

Adapted from *The Bill of Rights: A User's Guide*, © 1991 Close Up Foundation.

After you have finished reading the selection above, answer the following questions on a separate sheet of paper.

1. What was an established church? How did some colonists who were members of an established church treat other colonists who were not?

2. How did the actions of Roger Williams contribute to the idea of freedom of religion in the United States?

3. What were Thomas Jefferson's ideas about freedom of religion? What commonly used phrase about religion and government is attributed to Jefferson?

4. How do accommodationists and separationists differ in their interpretation of the Establishment Clause?

5. Briefly summarize how the Supreme Court has decided issues of prayer in public schools. Has the Court's stance been most often agreeable to accommodationists or to separationists?

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Student Handout 2

School Prayer: Agree or Disagree?

Read each quote carefully and circle the number that comes closest to your level of agreement.

	strongly disagree	*disagree*	*mildly agree*	*agree*	*strongly agree*
1. . . . because we [Ishmael Jaffree and his wife] had reached an agreement to let them [their children] choose [their religious beliefs] for themselves, the school sort of stepped in to take that choice away.	1	2	3	4	5
2. To be excused [from class while others are praying], he [Chioke Jaffree] would have to say, "I am different."	1	2	3	4	5
3. I think that prayer's a privilege that's guaranteed by our Constitution . . . and that the free exercise of religion is one of the reasons our forefathers came to America.	1	2	3	4	5
4. We're a nation founded under one God, and the majority of us believe in it. If there's a few people that don't, the majority's always ruled in this country.	1	2	3	4	5
5. For a court to silence the prayers of teachers and students is to put itself in the place of God.	1	2	3	4	5
6. Any parent that is against that [prayer in school] should not be allowed to live in this country.	1	2	3	4	5
7. I happen to believe that one way to promote, indeed preserve, those traditional values we share is by permitting our children to begin their day the same way the members of the United States Congress do, with prayer.	1	2	3	4	5
8. Eighty-five percent of the American people want just the opposite of what Mr. Jaffree and the Supreme Court have ordered, and it's a matter of time when that will become the law of the land.	1	2	3	4	5
9. I think that the Supreme Court decision [in *Wallace v. Jaffree*] is tremendously important precisely because it reminds the country that the Constitution is there to protect the minority and not to enforce majoritarian views.	1	2	3	4	5

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Student Handout 3
Varying Viewpoints

Read the following.

Congress shall make no law respecting an establishment of religion, . . . This clause, or phrase, of the First Amendment is known as the Establishment Clause. It restricts the relationship between the government and the church. The Establishment Clause forbids the government from creating, or establishing, an official church; nor can the government support one religion over another, or religion over nonreligion.

. . . or prohibiting the free exercise thereof; . . . This part of the First Amendment is known as the Free Exercise Clause. While cases under the Establishment Clause involve government policies that aid religion, cases under the Free Exercise Clause challenge government policies that burden religion. Does free exercise of religion mean that believers can practice their faith wherever they want and however they like? Should they be able to disrupt or hurt others? The Supreme Court has distinguished between beliefs and actions to set limits on free exercise of religion.

In many cases involving freedom of religion that have come before the Supreme Court, there has been conflict between these two clauses. You will hear several of the speakers refer to this conflict as you watch the video.

As you watch the video, write down the necessary information in the space provided.

Speaker	*Main arguments for/against prayer in public school*	*Your impression of the speaker and opinion*
Ishmael Jaffree Chioke's father		
Fred Wolfe pastor of a Mobile church		
Dan Alexander president of the Mobile school board		
Barry Lynn Americans United for Separation of Church and State		
Jay Sekulow American Center for Law and Justice		
Jerry Falwell religious broadcaster		
Jean Baker American Civil Liberties Union		

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Student Handout 4

Case Study: *Wallace v. Jaffree* (1985)

Ishmael Jaffree challenged Alabama's "moment of silence" law. The Supreme Court overturned the law, but the justices differed as to whether the Establishment Clause applies to believers and nonbelievers alike.

JUSTICE STEVENS delivered the opinion of the Court. . . .

As is plain from its text, the First Amendment was adopted to curtail the power of Congress to interfere with the individual's freedom to believe, to worship, and to express himself in accordance with the dictates of his own conscience. . . .

. . . At one time it was thought that this right merely proscribed the preference of one Christian sect over another, but would not require equal respect for the conscience of the infidel, the atheist, or the adherent of a non-Christian faith such as [Islam] or Judaism. But when the underlying principle has been examined in the crucible of litigation, the Court has unambiguously concluded that the individual freedom of conscience protected by the First Amendment embraces the right to select any religious faith or none at all. This conclusion derives support not only from the interest in respecting the individual's freedom of conscience, but also from the conviction that religious beliefs worthy of respect are the product of free and voluntary choice by the faithful, and from recognition of the fact that the political interest in [stopping] intolerance extends beyond intolerance only of Christian sects—or even intolerance among "religions"—to encompass intolerance of the disbeliever and the uncertain. . . .

JUSTICE REHNQUIST, dissenting.

The true meaning of the Establishment Clause can only be seen in its history. . . . As drafters of our Bill of Rights, the Framers inscribed the principles that control today. Any deviation from their intentions frustrates the permanence of that charter and will only lead to the type of unprincipled decisionmaking that has plagued our Establishment Clause cases since *Everson*. . . .

The Court strikes down the Alabama statute . . . because the State wished to "endorse prayer as a favored practice." . . . It would come as much of a shock to those who drafted the Bill of Rights as it will to a large number of thoughtful Americans today to learn that the Constitution, as construed by the majority, prohibits the Alabama legislature from "endorsing prayer." George Washington himself, at the request of the very Congress which passed the Bill of Rights, proclaimed a day of "public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God." History must judge whether it was the father of his country in 1789, or a majority of the Court today, which has strayed from the meaning of the Establishment Clause.

Using the information in the case you have just read, answer the following questions on a separate sheet of paper.

1. What did Justice Stevens say the Court has "unambiguously concluded?"
2. Where does Justice Stevens say that "religious beliefs worthy of respect" come from?
3. Did the Court believe that the Alabama law was intolerant of people who do not believe in religion or are uncertain about religious beliefs?
4. What did Justice Rehnquist say was the reason for striking down the Alabama statute? Did Rehnquist agree with that reason?
5. How does Rehnquist think that even George Washington endorsed prayer? Does Rehnquist think that Washington violated the Establishment Clause by his action?
6. How did the Court rule in this case? Do you agree with the Court's decision? Why or why not?

Adapted from *The First Amendment: America's Blueprint for Tolerance Teacher's Resource*, © 1995 Close Up Foundation.

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Student Handout 5

Majority Rule, Minority Rights

Rights take on added importance in a democracy, a form of government in which the majority rules. As James Madison, the principal author of the Bill of Rights, pointed out:

> *Wherever the real power in a government lies, there is the danger of oppression. In our government, the real power lies in the majority of the community, and the invasion of private rights is chiefly to be feared, not from acts of government contrary to the sense of its constituents, but from acts in which the government is the mere instrument of the major number of constituents.*

Madison worried that without some protection of individual rights, the majority could run roughshod over a minority.

Thus, the Bill of Rights is designed to protect minority rights in a system of majority rule. It is a document in which "We, the People" have agreed to limit ourselves, to say that some rights are so important that they cannot be voted on. Thus, the United States has a constitutional democracy—a government in which the people rule, but with certain limits. The Bill of Rights sets forth those limits.

One of the most important limits, as expressed in the First Amendment, is that the majority cannot punish the minority for having different beliefs. Otherwise, the only ideas allowed would be those that the majority liked. There would be no freedom of religion; everyone would have to worship the way the majority thought best. There would be no freedom of speech; messages unacceptable to the majority would not be permitted. There would be no freedom of press; newspapers and television stations opposed by the majority would be censored. If the majority could forbid all things it did not approve of, there would be no freedom.

This is what tolerance is all about—the right of people to be different from the majority. After all, the majority does not need special protection; in democracy, the majority writes the laws. But in the United States, the majority does not always have the final say. Americans believe that tolerance of differing views is so important that we are willing to limit democracy to get it.

Adapted from *The First Amendment: America's Blueprint for Tolerance*, © 1995 Close Up Foundation, and *The Bill of Rights: A User's Guide*, © 1991 Close Up Foundation.

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Student Handout 6
Amending the Constitution

In recent years, members of Congress have introduced resolutions to add a school prayer amendment to the Constitution. Although specific language has not always been exactly the same, nearly all of these resolutions seek to do the same thing: permit student-led prayer in public school. Printed below is a proposed amendment that the House Judiciary Committee of the 104th Congress will likely consider in hearings. This proposal is called **The Religious Equality Amendment** and was written by a coalition of Christian leaders. Read it carefully.

The Religious Equality Amendment

Section 1. *Neither the United States nor any state shall abridge the freedom of any person or group, including students in public schools, to engage in prayer or other religious expression in circumstances in which expression of a nonreligious character would be permitted; nor deny benefits to or otherwise discriminate against any person or group on account of the religious character of their speech, ideas, motivations, or identity.*

Section 2. *Nothing in the Constitution shall be construed to forbid the United States or any state to give public or ceremonial acknowledgement to the religious heritage, beliefs, or traditions of its people.*

Section 3. *The exercise, by the people, of any freedoms under the First Amendment or under this amendment shall not constitute an establishment of religion.*

After you have read the proposed amendment, answer the following questions.

1. According to the first sentence, what would this amendment allow public school students to do? How would religious expression be treated compared to nonreligious expression?

2. To what does the word "benefits" refer in the second part of Section 1? According to this phrase, who could not be denied benefits?

3. According to Section 2, what is the United States or the states forbidden to do?

4. How does this proposed amendment address the Establishment Clause of the First Amendment?

5. Can you think of any possible problems that could arise for you as a student if this amendment was added to the Constitution? Explain.

6. Would you support or oppose adding this amendment to the Constitution? Explain your position.

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